

## Poland - Sexual Harassment

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While not being a criminal offence in itself, sexual harassment can be prosecuted under Articles 198 and 199 of the Criminal Code.

- Article 198 Whoever, taking advantage of the vulnerability of another person, or of the lack of ability to recognise the significance of the act or ability to control his/her conduct, resulting from mental disability or disorder, subjects such a person to sexual intercourse or makes him/her submit to another sexual act or to perform such an act shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years.
- Article 199 § 1. Whoever, abusing a relationship of dependence or by taking advantage of a critical situation, subjects such a person to sexual intercourse or makes him/her submit to another sexual act or to perform such an act shall be subject to the penalty of deprivation of liberty for up to 3 years. § 2. If the act specified in §1 was committed against a minor, the perpetrator shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years. § 3. The punishment specified in § 2 shall be imposed on anyone, who subjects a minor to sexual intercourse or makes him/her submit to another sexual act or to perform such an act by abusing a trust or by giving a material or personal benefit or promise to provide it.

Article 18 §6 of Labour Code: Discrimination based on gender is any undesired behaviour of a sexual nature or referring to the employee's gender whose aim or effect is violation of the employee's dignity, especially creating a threatening, hostile, humiliating, degrading atmosphere; such behaviour can be comprised of physical, verbal and non-verbal elements (sexual harassment; § 6).

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### Legal provisions on protection orders

Criminal Code, Article 39, 41a; Labour Code; Antidiscrimination Law (The Law on implementing

some of the European Union Laws on equal Treatment)

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## Legal Source

Criminal Code, Articles 198 and 199